

## **REMARKS / ARGUMENTS**

In response to the Office Action of July 2, 2009, Applicant has amended the claims, which when considered with the following remarks, and petition, is deemed to place the above-identified application in condition for allowance. Favorable consideration of the claims is respectfully requested.

In the Office Action of July 2, 2009, claims 30 and 31 have been withdrawn as allegedly directed to a non-elected species. Thus, only claims 25-27 and claim 29 are currently under examination.

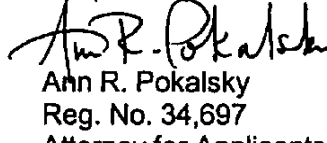
Claims 25-27 and 29 remain rejected under 35 U.S.C. § 112, first paragraph, as allegedly directed to non-enabled subject matter. It is the position of the Examiner that the specification is enabling for reducing the BCRP-mediated resistance in Saos2BVCRP#4 cells comprising administering between 1  $\mu$ M to  $\mu$ 5 M Imatinib and topotecan *in vitro*, but allegedly does not reasonably provide enablement for the prevention or reversal of same, or the broader class of anticancer agents.

In response to the rejection, and in order to advance prosecution of this application, claim 1 has been amended to recite: "A method of treating a patient with an osteosarcoma that has a BCRP-mediated resistance to camptothecin-derived topoisomerase I inhibitor, which comprises administering the camptothecin-derived topoisomerase I inhibitor to the patient and reversing the BCRP-mediated resistance to the camptothecin-derived topoisomerase I inhibitor by co-administering to the patient an effective BCRP-inhibiting amount of imatinib or a pharmaceutically acceptable salt thereof."

It is respectfully submitted that claim 1 as presently amended is directed to treating a specific cancer (osteosarcoma) having a BCRP-mediated resistance to a specific anticancer agent (camptothecin-derived topoisomerase I inhibitor) and reversing said BCRP-mediated resistance by co-administering an effective BCRP-inhibiting amount of imatinib or a pharmaceutically acceptable salt thereof. Thus, the Examiner's position that one of skill in the art would not have expected the invention to work in every cancer cell line and with any anti-cancer agent is believed to be overcome by the present amendment. Withdrawal of the rejection under the enablement provision of 35 U.S.C. § 112, first paragraph, is therefore respectfully requested.

In view of the foregoing remarks and amendments, it is believed that the present claims are in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

  
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